

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4134 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PANKAJ OVERSEAS LIMITED

Versus

STATE OF GUJARAT

Appearance:

MR JR NANAVTI with MR AR THACKER for Petitioner
MR MUKESH PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/02/99

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The necessary and immediate first aid to be provided to the petitioner has been provided by this Court under its order dated 22nd May 1998. The learned counsel for the petitioner, relying on the decision of this Court in the case reported in 1998(2) GLR 956, submitted that this

matter is squarely covered by this decision and seizure of goods of the petitioner by the District Collector, Valsad, is wholly illegal and without any authority of law.

#. It is really shocking that in such a serious matter, the only contribution of the State of Gujarat is only to play a role of guest artist and it has even not cared to file reply to the special civil application though this matter has come up on the Board 11 times earlier to this date.

#. It is not in dispute that before approaching this Court, the petitioner made a detailed representation to the District Collector, Valsad also but as usual, he has sat over that matter. This approach of the District Officers not to care for representations filed by aggrieved persons of their actions deserves to be deprecated. In case on the representations filed by the persons aggrieved of the actions, appropriate orders are being passed, then it serve twofold purposes, one is that in case the matter is decided in favour of aggrieved party of their action, it may reduce number of filing of cases before this court and save both, the litigant as well as State of Gujarat from the expenses of litigations which is now a days very high. Second purpose which will be served is that if the party, not satisfied with the decision of the authority, if approaches this Court, then this Court will have a reasoned order before it. If the reasoned order is there before this court, even in case where the other side has not filed reply, this court may be in a better position to decide the matter.

#. Interest of justice will be met in case this special civil application is disposed of in terms that the District Collector, Valsad, is directed to decide the representation of the petitioner within a period of seven days from the date of receipt of writ of this order, after hearing the petitioner, if he so desire, and in case he is not agreeing to the case made out in the representation, a reasoned order may be passed and a copy of the same may be sent to the petitioner by registered post A.D. This special civil application and Rule stand disposed of in aforesaid terms with liberty to the petitioner for revival of this special civil application in case of difficulty. At this stage, no order as to costs.

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[sunil]

